

U.S. Patent Application No.: 10/583,129

REMARKS

The Office Action dated February 6, 2009 has been received and carefully considered.

In this response, Claims 1, 2, 4, 5, 8 have been amended and Claims 3, 7, 8 cancelled.

The updated claims do not change the original scope of the invention. No new matter has been added.

For continuity with the previous actions we are providing the following remarks.

The outstanding rejections are as follows:

Claims 1-5 and 7-10 stand rejected under 35 U.S.C 102 (b) as being anticipated by U.S. Pat. Pub. No. 2003/0144016 A1 to Kolsky et al ("Kolsky").

I. THE ANTICIPATED REJECTION OF CLAIMS 1-5 AND 7-10

On page 2-4 of the Office Action, Claims 1-5 and 7-10 were rejected under 35 U.S.C § 102 (b) as being anticipated by Kolsky.

The Examiner asserts that Kolsky discloses the claimed invention. Applicant respectfully disagrees. In particular, Applicant respectfully submits that Kolsky et al, fail to disclose, or even suggest, that the disclosed method, wherein a dedicated server identifies the object, provides a uniform access to an object through one selected communication channel (paragraph 35). Kolsky describes a

AUG 05 2009

U.S. Patent Application No.: 10/583,129

method, which involves as a necessary component a data transmission enabled terminal (paragraphs 19, 25, and 35), this meaning the dedicated data terminal is a necessary component of the disclosed method and system.

Furthermore, the underlying structure of the method described in Kolsky requires additional servers connected to a telecommunications network, which identify objects based on a received object identifier (paragraph 35). The method disclosed in claimed application does not have such a server requirement, and no data transmission takes place. The complete method can be implemented based on the existing infrastructure of telecommunications operators. The method in claimed application only requires a suitable configuration of the Unstructured Supplementary Services Data (USSD) gateway and the telephone exchanges, these configurations not being the subject matter of the claimed invention.

Kolsky mentions the USSD as one among many possible channels for communication with the server for sending the object identifiers and does not disclose using the body of the telephone number for that purpose (paragraph 40). Thus Kolsky differs substantively from the method in claimed application, wherein the USSD channel and the voice channel are interchangeable in use but both are required in the claimed method.

The method disclosed in Kolsky teaches that the transmission of the object identifier to the telecommunications network is different for each of the utilized channels. While the identifier of the transmitted object remains the same, the connection is established to different called numbers for different channels (paragraphs 73, 74). Furthermore, different telecommunications channels may be utilized interchangeably but not simultaneously (paragraph 58). In the method in the claimed application, the access number to a service is identical for USSD and voice channels (with the channel choice being made by the user by virtue of omitting or including the # or * characters in the dialed number). The support for both USSD and voice is required.

The method and system disclosed in Kolsky lists multiple user devices: a PSTN handset, a PDA, a cellular telephone, an Internet telephone and assigns for those devices different ways of transmission of the same object identifier (paragraph

U.S. Patent Application No.: 10/583,129

50). The method disclosed in claimed application applies only to devices supporting the USSD and voice channels simultaneously, no data transmission use is required, and no need for any universal object Identifier is declared.

The method disclosed in Kolsky is for a uniform identification of an object regardless of how the information is accessed and what telecommunication channel is used. Every object has its own unique identifier. The claimed application describes a method of accessing a single telecommunication service via one of two separate channels: USSD or voice, with identical service functionality and access method. In the method disclosed in Kolsky certain communications channels are used only for the transmission of an object identifier, and other channels specifically assigned to the object in question are consequently used to access it. (Figs. 5A, 5B, 5C, 5D). In the case of the method disclosed in the claimed application, the communication channel choice is made by virtue of omitting or including the # or * characters in the dialed sequence and in cases when the connection is actually established the interaction between the user and the service continues on the same channel. In other words: Kolsky discloses a way of accessing an object that is selected by the server based on the content of the object identifier. In the method of the claimed application the way of accessing the service is selected by the user by the inclusion of the appropriate combination of "*" and "#" characters in the dialed sequence and allowing the telecommunication network to select the requested channel based on the interpretation of the dialed sequence.

Kolsky (paragraph 58) discloses the method for connecting a terminal with a network that enables analysis of an object identifier ("to the object identifier resolving network"). Kolsky's method does not disclose a selection of the network with the use of the object identifier; the object identifier is only used for the identification of the object. The object is available to be transmitted only via a connection dedicated to it, for example a data transmission channel for a WWW page. The interface and the telecommunications channel by means of which the connection is established and the object identifier is transmitted are selected by the user, but the service is made available exclusively through a single channel. Also, one can clearly see differences among the methods of transmission of an object identifier via a voice channel (paragraph 63), a USSD channel (paragraph

U.S. Patent Application No.: 10/583,129

73), SMS messaging (paragraph 74), or an Intelligent data transmission network (Fig. 5D). In each of the cases the dialed number is different. In the presented example the number is "***760862522" for a voice connection, "**234#7760862522#" for USSD, "*234" for SMS, and "1-800-555-1234" for the IVR system. In the case of the method in the claimed application the dialed number is always the same. The differences only exist in the use of the "*" and "#" characters (page 10, lines 4 - 6, 21 - 22; page 9, lines 3 - 19), e.g. for voice channel the dialed sequence is *145*123 but for USSD channel it is *145*123#.

Furthermore, Kolsky discloses a method for a single object identification, i.e., a transmission of a single parameter only - an object identifier. The claimed application discloses (Claim 2) a method for transferring multiple parameters within the body of the dialed number which makes the method in the claimed application broader in application. (Example 1).

Although utilizing similar technologies (text/USSD and voice/IVR in particular), the claimed application and Kolsky methods are solving different problems. In the claimed application the novelty stems from different objectives, structures, steps, and procedures - this being apparent from the examples presented in both documents.

We respectfully disagree with the assertion that Claim 5 of the claimed application has been disclosed in Kolsky. Claim 5 differs from Claim 1 only inasmuch as it does not require an establishment of a proper telecommunication session for the information exchange. A sequence of voice or text messages is used instead and the USSD session or voice connection is never established. The opposed document doesn't disclose such method.

Kolsky and the method disclosed in the claimed application are substantively different. No similarities occur either in the presented problem or in the method of solving it. The invention presented in claimed application is described clearly enough to be understood by an engineer active in the field of cellular telephony. The described technologies already exist in cellular networks, and the invention only discloses another, innovative way of utilization thereof. The claimed

AUG 05 2009

U.S. Patent Application No.: 10/583,129

invention implementation requires no additional equipment or structural changes to the existing telecommunications operator infrastructure. The activation of the claimed invention requires only a proper configuration of telephone exchanges and the USSD gateway in the telecommunications network.

II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact Mr. Mirek Kula, the applicant's technical adviser, by email: mirek.kula@innovationsphere.net, telephone +1 401 935-3296 or fax +1 401 349-2412, or the applicant directly, by email: henryk@kulakowski.com or telephone +48 602 228 434 in order to expedite the resolution of any issues or questions.

Respectfully submitted,


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U.S. Patent Application No.: 10/583,129

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